ANDOVER CONSERVATION COMMISSION MEETING MINUTES JUNE 17, 2104

Town of Andover 36 Bartlet Street 3rd Floor Conference Room 7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Kevin Porter, Commissioner Alix Driscoll, and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

8 Peach Tree Path

Present in Interest: Lawrence Shea

Staff Recommendation: Approve as Pos.1 and Neg.3

Public Hearing on a Request for Determination of Applicability filed by Lawrence Shea under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of existing footings, lally columns and decking at **8 Peach Tree Path.**

Agent Cleary presented this to the Commission. The filing is under the WPA only. The project consists of replacing a rotting deck in kind that is greater than 50 feet from the BVW.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos.1 and Neg.3; it was seconded by Commissioner Honea and unanimously approved.

9 Penobscot Way

Present in Interest: Thomas Walsh

Staff Recommendation: Approve waivers and Approve as Neg.3

Public Meeting on a Request for Determination of Applicability filed by Thomas Walsh under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed extension of an existing deck by 12 feet and enclosing of the porch at **9 Penobscot Way.**

Agent Cleary presented this to the Commission. The filing is under the WPA only. The lot contains a small portion of Riverfront and BLSF, but there is no work proposed in this area. The

screen porch will be no closer to the BVW than the existing dwelling as the extension is on the side of the dwelling. Waivers are requested as existing dwelling is within the 50 foot no build zone. The homeowner has planted large shrubs at the edge of lawn to prevent encroachment and slope behind the shrubs has been stabilized. There will be no change of grading or tree cutting as part of this project. Staff will assist homeowner with erosion control placement.

The waivers requested are: dwelling within 50 foot no build; sedimentation control on plan; tree line on plan; landscaping on plan; and wetland delineation.

Commissioner Honea suggested the homeowner install non-disturb markers as mitigation for the home being within the 50 foot no build and the homeowner agreed to install the markers.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve the Waivers; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea made a Motion to Approve as Neg.3 with the markers installed as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

83 Porter Road

Present in Interest: Tara Wilson and Scott Follansbee

Staff Recommendation: Approve.

Request for Finding of Significance of changes to As-Built cellar drain location, foundation elevations and removal of 4 trees. The new drain location is a more direct route into the wetland with a zero gravity feed. Upon inspection the Applicant was advised to file for an Amendment to address any changes on site. Chairman Cooper inquired as to why the drain was put in place prior to obtaining permission. Mr. Follansbee stated that the drain layer changed the placement on site.

Commissioner Porter expressed his concern regarding the cutting of the trees which were significant in size, 1 being beyond the limit of work and 2 on the erosion control line. Commissioner Honea asked if there was a procedure for clearing trees beyond the limit of work. The Applicant alleged that the erosion control line was not correctly placed originally and the trees were cleared prior to the erosion control line being resent by Mr. McLeod.

Commissioner Honea made a Motion to find the changes Insignificant to the Act; it was seconded by Commissioner Driscoll and unanimously approved.

29 Boutwell Road and 16 Knollcrest Drive

Staff Recommendation: Approve

Issuance of Order of Conditions.

Commissioner Porter made a Motion to Issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from June 3, 2104.

9 Penobscot Way

Issuance of Satisfactory Completion of Work Certificate.

9 Penobscot Way

Issuance of Satisfactory Completion of Work Certificate.

9 Penobscot Way

Issuance of Satisfactory Completion of Work Certificate.

10 Wyncrest Circle

Issuance of a Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Honea and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Eagle Scout Project

Present in Interest: Geoffrey Warne

Geoffrey Warne presented his eagle scout project to the Commission and provided handouts to the Commission. The project consists of building steps and a bridge at Deer Jump Reservation. There is a trail with a steep drop. He will build 3 stairs using 4x4s to help stop the erosion of the slope and install a storm drain at the top of the stairs. At the bottom of the slope, he plans to build 2 additional stairs bearing to the right to promote hikers to select the trail to the right rather than going straight. The trail going straight has a steep slope with no stairs, hopefully this will deter hikers from selecting this trail.

There is a rotted bridge on Deer Jump that Geoffrey plans to replace with wood donated from previous projects or purchased by AVIS. The culvert under the bridge will remain the same as not to interrupt the flow. There will be no cutting on site.

Commissioner Driscoll made a Motion to find the project not significant to the WPA; it was seconded by Commissioner Honea and unanimously approved.

61 Wildrose Drive

Ratification of Emergency Certification.

Commissioner Honea made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

83 Porter Road

Present in Interest: Tara Wilson

Discussion regarding request for waiver of peer review fees.

Mr. Douglas reviewed the history of the filing with the Commission and that Jeff Bridge was appointed to conduct the peer review for the Amendment which was filed under the Applicant's name. The Amendment included much more clearing than originally approved, a much bigger build out of the site and solar panels. The proposal provided by Jeff Bridge explicitly stated it is an estimate and additional funds may be required if additional work and time is necessary. The applicant received the proposal, the invoice which included an explanation of the additional work and charges and letters asking for the balance.

Tara Wilson presented her information to the Commission. When the original NOI was filed by the Pustell family, Mr. Douglas recused himself due to a conflict of interest and Jeff Bridge was hired as an advisor for the NOI. A site visit was conducted on 4/30/14, hearing was conducted on 5/21/13 and the OOC was issued on 6/4/13 under the Pustell name. The Amendment was filed with a new plan showing a home that meets all the setbacks, but has additional clearing and solar panels on the ground, closer than 50 feet to the BVW. The Pustell family was still the owner at the time of the filing, which is still a conflict of interest, as they have a monetary gain once the Amendment was approved.

Ms. Wilson also served a public records request to the Conservation Department and Accountant's Office to obtain information on prior peer review fees.

The Commission took no action on the waiver request.

220 Andover Street

Ratification of Enforcement Order.

Commissioner Driscoll made a Motion to ratify the Enforcement Order; it was seconded by Commissioner Honea and unanimously approved.

Land Management Plans

Review of Land Management Plans with Commissioner Porter. The original plans submitted indicate at 25-30% harvesting on the Conservation properties. This is not our goal. On the Virginia Hammond Reservation the land group would like to expand the meadow, clear cut some for habitat and do some thinning. Fishbrook could possibly have a no disturb area containing very large pine trees, a limit of 25-33% harvest due to the noise from Route 93 and some thinning. Wood Hill/Bald Hill contains a couple of foundations on the reservation and the land group suggests cutting around the foundations to save them. The land group would like a larger area cleared for a possible vista. Commissioner Porter has requested the funding for this Grant be rolled over to 2015 to allow time for the paperwork and final plans to be submitted.

278R High Plain Road

Present in Interest: Lesley Durant

Vote to accept and sign Land Transfer Deeds for 278R High Plain Road.

Commissioner Driscoll made a Motion to accept and sign the land transfer deeds; it was seconded by Commissioner Honea and unanimously approved.

8 Moreland Avenue

Issuance of an Enforcement Order.

There has been cutting of cat tails and other wetland and buffer plans on Conservation land. Cutting must ceases and desist and boats and telephone poles must be removed.

Commissioner Porter made a Motion to issue the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

26 Orchard Street

Issuance of an Enforcement Order.

Cutting of cat tails and other wetland and buffer plants and maintenance of beaver dam pas permit duration. Cease and desist all cutting and no further maintenance of the beaver dam.

Commissioner Porter made a Motion to issue the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

Tennessee Gas Pipeline

Chairman Cooper recused himself and left the meeting.

Commissioner Driscoll updated the Commission regarding the letter sent by the Town Manager asking all contact with Andover residents to stop until such time as a public hearing can be scheduled with the Town. It was her belief that Kinder Morgan would be before the Selectmen sometime in July.

There was discussion if the Commission could issue a letter now allowing surveying or cutting on our property.

The next meeting will be held July 1, 2014 at 7:45pm.

The meeting was adjourned at 9:37 pm by Motion of Commissioner Driscoll and seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by,

Lynn Viselli, Recording Secretary